

**MINUTES OF THE REGULAR MEETING OF THE  
MONROVIA CITY COUNCIL  
HELD TUESDAY, JUNE 2, 2009, 7:30 P.M.**

**CONVENE:** Mayor Mary Ann Lutz convened the Regular Meeting of the Monrovia City Council of Tuesday, June 2, 2009, at 7 41 P M , in City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Closed Session, 5 00 P M , and a 2009-11 Fiscal Year Budget Study Session, 5 30 P M (at which all City Councilmembers were in attendance) In attendance were City Manager Scott Ochoa, City Attorney Craig A Steele, and City Clerk Linda B Proctor

**INVOCATION:** Pastor Dorothy Scott gave the Invocation

**PLEDGE OF ALLEGIANCE:** Councilmember Joe Garcia led the Flag Salute

**ROLL CALL:** In attendance were Councilmembers Joe Garcia, Clarence R Shaw, Becky A Shevlin, Mayor Pro Tem Adams, and Mayor Mary Ann Lutz

**REPORT OF CLOSED SESSION:** City Attorney Steele reported that the report of Closed Session to conference with Legal Counsel pursuant to Government Code §54956 9, Pending Litigation, Rudy Ramirez vs City of Monrovia, BC391514, 5 00 P M to 5 50 P M , had been reported following that Closed Session and that no reportable action was taken

**PRESENTATIONS/PROCLAMATIONS:** There were none

**STUDENT GOVERNMENT REPRESENTATIVE REPORT:** There was no representative in attendance

**CONSENT CALENDAR:** It was moved by Councilmember Garcia, seconded by Mayor Pro Tem Adams, to approve the Consent Calendar. There were no objections The Consent Calendar consisted of the following Agenda items

**CC-1 Unadopted Minutes of the May 19, 2009 Regular Meeting of the Monrovia City Council**

**CC-2 Payroll No. 11 in the Amount of \$586,329.98 and Voucher Nos. 158532 through 158791 in the Amount of \$1,452,951.24**

**CC-3 Amendment to Title 17 (Zoning) of the Monrovia Municipal Code Pertaining to Regulations for the HCD (Historic Commercial Downtown) Zone, Adoption of Ordinance No. 2009-01:** This was the final adoption of Ordinance No 2009-01 amending Title 17 of the Monrovia Municipal Code pertaining to regulations for the Historic Commercial Downtown Zone Staff continued to recommend approval of this ordinance

**CC-4 Monrovia Public Library Project; Acceptance of Work, Approve Change Orders, Notice of Completion and Release of Retention for Bid Packages: ML-06, Roofing and Sheet Metal to Alcal Arcade Construction for a Total Contract Amount of \$705,939.09; ML-07, Drywall, Plaster, Framing, Doors, Frames & Hardware to Versatile Coatings, Inc., for a Total Contract Amount of \$1,581,459.84; ML-12, General Construction to Toby B. Hayward, Inc., for a Total Contract Amount of \$118,604.00; ML-13, Painting to Prime Painting Contractors, Inc., for a Total Contract Amount of \$113,745.31; ML-16, Flooring, Carpet and Cork to Continental Flooring, Inc., for a Total Contract Amount of \$163,336.94; ML-17, Library Shelving to Yamada Enterprises for a Total Contract Amount of \$282,215.13; ML-20, Signage to Inland Building Construction Companies, Inc., for a Total Contract Amount of \$73,228.50:** In the spring and summer of 2008, the City Council awarded contracts to the above listed contractors to complete the construction of the new library building Staff and Bernards confirmed completion of the project and the recommendation was to accept the work, approve the change orders and issue the notice of completions

**CC-5 American Recovery and Reinvestment Act Energy Efficiency and Conservation Block Grant Program (EECGB); Resolution No. 2009-23:** The City of Monrovia was eligible for a \$161,000 00 grant through the American Recovery and Reinvestment Act which provided funding for projects that reduce total energy use and fossil fuel emissions and improve energy efficiency nationwide

The grant application package consisted of the application, resolution, project site locations and activity files, budget information and justification files, financial management assessment, energy efficiency and conservation strategy, assurances, and NEPA (National Environmental Policy Act) information

**CC-6 Purchase of Seven Traffic Signal Controller Battery Back-Up Units from Clary Corporation in the Amount of \$45,153.40:** Duarte Road was a traffic timing corridor in cooperation with Los Angeles County Department of Public Works in the cities of Monrovia, Arcadia and Duarte. The Public Works Department maintained and operated the City of Monrovia's traffic signals. During power outages, the signals would enter into a blackout mode, as the power returned, the signals defaulted to a "red flashing" operation until maintenance personnel reset the controller. The new battery back-up units would provide continual signal operations during electrical outages. Seven battery back-up units would be installed along the Duarte Road corridor from Fifth Avenue to Mountain Avenue.

**CC-7 Destruction of Certain City Clerk, Community Development and Human Resources/Risk Management Departmental Records, Resolution No. 2009-24:** Government Code §34090 provided a procedure whereby any city record which had served its purpose and was no longer required could be destroyed, as long as the destruction of said records would not interfere with the services and functions of the City. On August 5, 2003, the City Council approved the Citywide Records Retention/Destruction Schedule, setting into place the regulations covering the retention and destruction of citywide records. Records for destruction were City Clerk, Community Development and Human Resources/Risk Management Departmental records listed on the attached Exhibit "A."

#### **PUBLIC INPUT**

- 1 Marina Delgado, Monrovia
- 2 Nina Rambeau, Monrovia,
- 3 Pastor Dorothy Scott, Monrovia Arcadia Ministerial Association
- 4 Cyrus Kemp, Monrovia
- 5 Sabin Gray, Monrovia
- 6 Don Kramer, Monrovia

Mayor Lutz, in response to Speaker No. 2's concerns, requested that Staff offer the same program regarding wildlife and particularly bears, to residents again. City Manager Ochoa noted that information regarding the bear proof trash cans would also be included.

#### **PUBLIC HEARINGS/MEETINGS:**

##### **PH-1 Proposed Community Block Grant Recovery Program, Resolution No. 2009-25**

Neighborhood and Business Services Division Manager Bill Skiles reviewed the Staff Report.

On February 17, 2009 President Barack Obama signed into law the American Recovery and Reinvestment Act (ARRA) of 2009. Under ARRA, \$1.0 Billion would be available nationally through the Community Development Block Grant Recovery (CDBG-R) Program. CDBG-R funds could be used to provide affordable housing, services, and jobs for the most vulnerable in our communities. The City of Monrovia was scheduled to receive \$112,745.00 in CDBG-R funds.

Staff proposed a residential energy efficiency grant. Limited income residents were susceptible to high and fluctuating energy costs, for which their income did not adjust accordingly. Estimates indicated that the average US household's energy costs were 7% of their income, whereas lower income household's energy costs represented 17% of their earnings. For the short term and while initial funding was available, the grant would focus on direct benefit activities by offering energy efficient home improvements grants. All improvements would be conducted by a licensed contractor and through a contract mandating compliance with grant regulations. Grants would be marketed to single-family, owner occupied residential properties. The project would be designed to increase energy efficiency and awareness. The grant program would offer approximately twenty energy efficiency grants at \$5,000.00 each.

The GREEN Grant would provide bundled energy conservation measures such as in-home energy audits, energy education, weatherization including attic insulation, appliance replacement, water conservation, and energy lighting on a leveraged basis, depending upon income qualification. Those households that meet the California Public Utilities Commission Low Income Energy Efficiency (LIEE) income guidelines

would receive qualifying measures at no cost. This project was expected to create training positions for unemployed and low income youth. They would receive skill development and on the job training in the installation of residential energy saving devices. Additional green enterprises these youth would learn included energy education and energy audits which increased their ability to understand the value of reducing the carbon footprint within the residential household. Upon successful completion of the job training component of the Monrovia Green Grants, LA Works would provide job placement services to these youth, working to help them find permanent green industry jobs.

**PUBLIC HEARING OPENED AND CLOSED:** Mayor Lutz opened and closed the Public Hearing as there was no one who wished to speak for or against the matter.

**It was moved by Mayor Pro Tem Adams, seconded by Councilmember Shaw, to adopt Resolution No. 2009-25.** There were no objections.

**CONVENE MONROVIA REDEVELOPMENT AGENCY MEETING  
WITHOUT ADJOURNING CITY COUNCIL MEETING**

**MRA CONVENE:** Chairman Mary Ann Lutz convened the Meeting of June 2, 2009, of the Monrovia Redevelopment Agency Board of Directors at 8:15 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

**MRA ROLL CALL:** Those in attendance were Boardmembers Joe Garcia, Clarence R. Shaw, Becky A. Shevlin, Vice-Chairman Tom Adams, and Chairman Mary Ann Lutz.

**MRA CONSENT CALENDAR:** It was moved by Boardmember Adams, seconded by Boardmember Shevlin, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following item:

**MRA CC-1: Unadopted Minutes of the May 19, 2009 Meeting of the Monrovia Redevelopment Agency**

**MRA PUBLIC HEARINGS/MEETINGS:** None

**MRA ADMINISTRATIVE REPORTS:**

**MRA AR-1 Loan Agreement with London's Bar & Grille (London's), 419 South Myrtle Avenue, in the Amount of \$150,000.00**

At 8:16 P.M., Vice-Chairman Adams and Boardmember Garcia exited Council Chambers, recusing themselves of any discussion due to a perceived conflict of interest.

Lauren Vasquez, Management Analyst I, reviewed the Staff Report.

As part of the business attraction program, the Agency actively sought specific businesses that would help bring increased levels of activity in the historic shopping, dining, and entertainment district in Old Town. One of the recommendations from the Business Development Committee was to increase the levels of activity in the historic district by increasing the nighttime activity.

The Agency was contacted by restaurateurs looking to establish a unique concept in a historic business district to help increase the nighttime activity. These principals signed an eight year lease for the building space at 419 South Myrtle Avenue. London's proposed to operate the site as an urbane restaurant and bar. In order to open the restaurant, \$528,300.00 would have to be invested to cover the tenant improvements, equipment, design services, and signage.

Under the proposed Agreement, the Agency would loan London's operator \$150,000.00 to help pay for the required tenant improvements. The loan would be used for the interior rehabilitation. The repayment of the loan would be paid through the sales tax revenues generated back to the City by the restaurant's sales over an eight year term. At the end of eight years of operation, if the restaurant was not able to reach the projected levels and unable to repay the entire amount of the loan, the unpaid amount would be due back to the City. The loan would be secured by a security lien on real property.

Chairman Lutz requested regular updates on those that had been granted funds since the program started

Public Input

1 Cyrus Kemp, Monrovia

**It was moved by Boardmember Shaw, seconded by Boardmember Shevlin, to approve a Loan Agreement with London's, and authorize the Executive Director to execute the necessary documents.**

**ROLL CALL: Ayes: Boardmembers Shaw, Shevlin, and Chairman Lutz  
Excused: Vice-Chairman Adams, Boardmember Garcia  
Motion carried: 3-0**

Vice-Chairman Adams and Boardmember Garcia returned to Council Chambers at 8 36 P M

**MRA ADJOURNMENT:** Chairman Lutz adjourned the Meeting at 8 36 P M

### **RECONVENE MONROVIA CITY COUNCIL MEETING**

#### **REPORTS OF CITY COUNCILMEMBERS AND SUB-COMMITTEES:**

**RCC1 Mayor Lutz** reported that

**(a) City Council Assignments for 2009-11 (Continued from May 19, 2009 City Council Meeting):** Mayor Lutz completed the Council assignments, including alternates

**(b) Video Presentation of Library Grand Opening:** A video was shown depicting the grand opening of the Monrovia Public Library Dick Singer, Assistant to the City Manager/Public Information Officer, noted that more than 3,000 people were in attendance Mayor Lutz reported that the furniture from the old library, including shelving, would be for sale on June 6, 2009, at the Mary Wilcox Youth Center with all proceeds to the Friends of the Library

**RCC2 Mayor Pro Tem Adams** had no report at this time

**RCC3 Councilmember Garcia** reported that

**(a)** He and other City Councilmembers would be traveling to Sacramento in the morning to the League sponsored "Budget Action Days" at which a congregation of elected's throughout the state would be in attendance to do whatever was necessary to save their cities. The state intended to borrow two billion dollars to help balance its budget on the backs of cities once again

**(b) Declaring a Severe Fiscal Hardship if Additional City Property Tax Funds are Seized and Additional Unfunded Mandates are Adopted by the State, Resolution No. 2009-22:** It was moved by Councilmember Garcia, seconded by Mayor Pro Tem Adams, to adopt Resolution No. 2009-22.

**ROLL CALL: Ayes: Councilmembers Garcia, Shaw, Shevlin, Mayor Pro Tem Adams, Mayor Lutz,  
Motion carried: 5-0**

**RCC4 Councilmember Shaw** had no report at this time

**RCC5 Councilmember Shevlin** reported that

**(a)** Supervisor Antonovich's event on Memorial Day was very good Both the Blue Star Families and Rebuilding Together were there

**(b)** Henry's was having its Grand Opening on June 17, 2009, 8 30 A M , as was Nardia, 805 South Shamrock, June 8, 2009

**(c)** MOTAB's and the City's marketing DVD would soon be released

**(d)** The interviews for Community Services Commissioners were very exciting, with sixteen candidates applying

**ADMINISTRATIVE REPORTS**

**AR-1 An Interim Urgency Zoning Ordinance of the City of Monrovia Enacted Pursuant to California Government Code Sections 6934, 36937 and 65858 Establishing a Temporary Moratorium on the Approval of Specified Permits for the Installation of Commercial Wireless Facilities in Public Rights-of-Way in the City; Introduction and Adoption of Ordinance No. 2009-02U**

Douglas Benash, City Engineer, reviewed the Staff Report

In recent months the City had received inquiries regarding the installation of wireless communication facilities (cellular) on City reservoir sites and in residential parkway areas. The Code currently required a conditional use permit approval by the Planning Commission for pole mounted antenna structures and approval by the Development Review Committee for roof mounted antenna structures, and allowed such facilities only on industrial and commercial zoned properties. State and Federal law continued to evolve regarding the installation of wireless facilities in public rights-of-way and until a recent 9<sup>th</sup> Circuit court decision, local authority was severely limited in regulating such installations. The 9<sup>th</sup> Circuit court decision overturned prior court interpretations making it harder for wireless companies to challenge local regulations. The proposed moratorium was a way to preserve the status quo for a brief period of time while Staff prepared a comprehensive ordinance.

**After discussion, it was moved by Councilmember Shaw, seconded by Mayor Pro Tem Adams, to introduce, read by title only and adopt Urgency Ordinance No. 2009-02U.**

**ROLL CALL: Ayes: Councilmembers Garcia, Shaw, Shevlin, Mayor Pro Tem Adams, and Mayor Lutz  
Motion carried: 5-0**

City Attorney Steele read as follows

**AN INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA ADOPTED AS AN URGENCY MEASURE ESTABLISHING A TEMPORARY MORATORIUM ON THE APPROVAL OF SPECIFIED PERMITS FOR THE INSTALLATION OF COMMERCIAL WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY AND ADOPTING FINDINGS OF URGENCY**

**SCHEDULED MEETINGS**

The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, June 16, 2008, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California. A Budget Study Session was scheduled for Monday, June 8, 2009, City Council Chambers.

**PUBLIC INPUT, CONTINUED, IF NEEDED: None**

**ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED: None**

**ADJOURNMENT TO CLOSED SESSION:** At 8:58 P.M., Mayor Lutz adjourned the Meeting to Closed Session in memory of Nancy Guenther, wife of Former Monrovia Police Captain Gary Guenther, noting that the City Council would reconvene the City Council Meeting to report on Closed Session. Closed Sessions items were

**ACS-1 Conference with Legal Counsel; Existing Litigation Pursuant to Government Code §54956.9; Hillside Wilderness Preservation Campaign Group, a California unincorporated association, and Thomas A. Suess, an individual, vs. City of Monrovia, BS119186**

**ACS-2 Meet and Confer Pursuant to Government Code §54957.6; All Groups**

**RECONVENE AND REPORT OF CLOSED SESSION:** At 9:30 P.M., Mayor Lutz reconvened the City Council Meeting. City Attorney Steele reported that no reportable action was taken in Closed Session on either items.

**RCS-1 Conference with Legal Counsel; Existing Litigation Pursuant to Government Code §54956.9; Hillside Wilderness Preservation Campaign Group, a California unincorporated association, and Thomas A. Suess, an individual, vs. City of Monrovia, BS119186**

**RCS-2 ACS-2 Meet and Confer Pursuant to Government Code §54957.6; All Groups**

**ADJOURNMENT:** At 9 30 P M , Mayor Lutz adjourned the Meeting

ATTEST   
Linda B Proctor, MMC, City Clerk

APPROVED   
Mary Ann Lutz, Mayor